

EXHIBIT 59

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

_____)	
ANAS ELHADY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:16-cv-375
)	
CHARLES H. KABLE, et al.)	
)	
Defendants.)	
_____)	

SUPPLEMENTAL DECLARATION OF TIMOTHY P. GROH

I, Timothy P. Groh, hereby declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am the Deputy Director for Operations of the Terrorist Screening Center ("TSC") and have been in this position since May 2016. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since February 1996 and have served in a variety of criminal investigative, counterterrorism, and senior management positions. In my capacity as the Deputy Director for Operations of the TSC, I supervise nine units and approximately three hundred individuals (including both government employees and contractors). I am responsible for the overall operations of the TSC, including maintaining the Terrorist Screening Database (TSDB), managing encounters, and sharing intelligence with domestic and foreign partners.

2. I submit this declaration in support of Defendants' opposition to Plaintiffs' motion for summary judgment filed in *Elhady v. Kable*, 16-cv-375 (E.D.V.A.). The matters stated herein are based on my personal knowledge, my background, training and experience relating to terrorist watchlisting and counterterrorism investigations, and my review and consideration of information available to me in my official capacity, including information furnished by FBI and

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TSC personnel in the course of their official duties; my conclusions have been reached in accordance therewith.

3. As set forth below, in support of the Government's opposition to Plaintiff's motion for summary judgment motion, this declaration will address the issuance of the 2018 Watchlisting Guidance ("2018 WLG") and the assertion of the law enforcement privilege over its contents.

ISSUANCE OF THE 2018 WATCHLISTING GUIDANCE

4. As set forth in my March 11, 2019 Declaration, the Watchlisting Guidance is updated on a periodic basis. It is drafted and approved by all affected agencies, and ultimately is put into effect only after consideration by the Deputies Committee of the National Security Council (NSC).

5. I also previously attested that the 2015 WLG has been U.S. Government policy for TSDB standards and procedures since December 2015. By declaration dated April 23, 2018 in support of Defendants' opposition to Plaintiffs' First Motion to Compel, submitted *in camera* and *ex parte*, I formally asserted the law enforcement privilege over the entirety of the 2015 WLG on behalf of FBI and TSC, and explained in detail the harms to national security that would result from disclosure of the WLG. *See also* Dkt. No. 178-18 ¶¶ 26-38, 85 (public version of *in camera*, *ex parte* declaration redacted of privileged information).

6. In accordance with the periodic updating of the WLG, the 2018 WLG became the operative U.S. Government policy for TSDB standards and procedures on March 19, 2019.¹


¹ The finalization of the 2018 WLG was delayed due to the lapse of appropriations funding many federal agencies between December 21, 2018 and January 25, 2019.

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7. For the same reasons as set forth in my April 23, 2018 declaration as to the 2015 WLГ, I hereby formally assert the law enforcement privilege over the 2018 WLГ on behalf of FBI and TSC.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of March 2019.



Timothy P. Groh
Deputy Director for Operations
Terrorist Screening Center